

Claims:

Claim 1, rewrite as Claim 1 (amended) as follows:

1. (amended) A spirally formed pipe, comprising an elongated strip of ductile material formed into joined, adjacent helical convolutions, having a diameter larger than 15 feet_ [, whereby said pipe is larger than similar pipe produced in the past.]

Claim 5, rewrite as Claim 5 (amended) as follows:

5. (amended) A spirally formed pipe, comprising an elongated strip of ductile material formed into joined, adjacent helical convolutions, reshaped into an arch shape, having a beginning diameter above 144 inches_ [whereby said pipe, reshaped into said arch shape is larger than similar pipes used to produce arch shapes in the past.]

Claims Rejections Under - 35 USC § 112

Claim 1 was objected to under 35 USC § 112, as having a broad range or limitation together with a narrow range or limitation (in the same claim) which is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. This claim has been corrected by the above amendment to delete the broad recitation of a pipe larger than similar pipe produced in the past.

Claim 5 was objected to under 35 USC § 112, as having a broad range or limitation together with a narrow range or limitation (in the same claim) which is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. This claim has been corrected by the above amendment to delete the broad recitation of said arch shape is larger than similar pipes used to produce arch shapes in the past.

Claims 1-9 were objected to under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claims 1 and 5 have been corrected by the above amendment deleting the indefinite language. The remaining claims were objected to due to their dependence upon claims 1 and 5 and are therefore now also corrected.

REMARKS - General

By the above amendment, applicant has corrected for specification objections as follows:
The abstract of the disclosure has been replaced with a single paragraph as required by MPEP § 608.01(b). Claims 1 and 5 have been amended, to remove the broad range or limitation together with a narrow range or limitation required by 35 USC § 112, and by the amendment to claims 1 and 5, claims 1-9 are now corrected to eliminate indefinite language as required under 35 USC § 112, second paragraph.

Claims Rejections Under - 35 USC § 102

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,852,616 to ("Holcomb"). The patent to Holcomb is said to disclose the recited spiral formed pipe, and that it is noted that conventional pipes of this type are capable of ranging in diameters from 6 inches to 21 feet in diameter, and that it is therefore believed that the pipe of Holcomb can also be made up to those sizes if such were needed. Holcomb sites the reference of the Handbook of Steel Drainage and Highway Construction Products, published by American Iron and Steel Institute (Second Edition, 1971). The excerpts provided refer to three separate types of pipe products as follows: 1. Riveted and Resistance Spot Welded Pipe having circumferential seams, 2. Lock Seam Pipes, with seams and corrugations running helically (or spirally) around the pipes and 3. Structural Plate Pipe which is a bolted together structure with a 6 x 2 inch corrugation profile. While Holcomb does not mention structural plate pipe, it is clearly stated "There is *also*